

REMARKS

This Amendment is being filed in response to the Office Action mailed on October 5, 2007, and the Decision on Appeal mailed on August 21, 2009, which have been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3, 6, 8-9, 13, 15-16 and 20-22 are pending in this application, where claims 2, 4-5, 7, 10-12, 14 and 17-19 have been currently canceled without prejudice and claims 20-22 have been currently added. Claims 1, 6 and 13 are independent. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Final Office Action, the drawings are objected to because the Examiner contends that the "controller" must be shown. In response, amended FIG 2 showing a controller had been previously filed on December 3, 2007. Applicants respectfully request

approval of the changed FIG 2 filed on December 3, 2007 and withdrawal of the drawing objection.

In the Final Office Action, claims 13-19 are rejected under 35 U.S.C. §112, first paragraph. Further, claims 7 and 14 are rejected under 35 U.S.C. §112, second paragraph. However, the Board of Patent Appeals and Interferences, in Appeal No. 2009-003723, decided on August 21, 2009, these rejections were reversed. (See Page 15 of the Appeal 2009-003723). Further, claims 7, 14 and 17-19 have been currently canceled without prejudice thus rendering moot these rejections therero. Accordingly, it is respectfully requested that these rejections under 35 U.S.C. §112, first and second paragraphs be withdrawn.

In the Final Office Action, claims 1-19 are rejected under 35 U.S.C. §102(b) over U.S. Patent Application Publication No. 2002/0180687 (Webber). Applicants respectfully traverse and submit that claims 1, 3, 6, 8-9, 13, 15-16 and 20-22, as amended, are patentable over Webber for at least the following reasons.

Webber is directed to an electrophoretic display and medium that comprises a plurality of particles suspended in a suspending

fluid. The particles move through the fluid upon application of an electric field to the medium, thus changing the appearance of the display.

It is respectfully submitted that Webber does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 6 and 13 which, amongst other patentable elements, recites (illustrative emphasis provided):

a plurality of pulses alternating in sign and having the initial value, wherein a first pulse of the plurality of pulses has a same sign as the initial sign, and a last pulse of the plurality of pulses has a final sign which is opposite the initial sign, each pulse of the plurality of pulses having a pulse duration which is less then the first duration, and a final pulse having the final sign and a final duration larger than the pulse duration.

These features are nowhere disclosed or suggested in Webber.

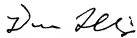
Accordingly, it is respectfully submitted that independent claims 1, 6 and 13 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3, 8-9, 15-16 and 20-22 should also be allowed at least based on their dependence from independent claims 1, 6 and 13, as

well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
October 19, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

Please direct all inquiries and correspondence to:
Michael E. Belk, Reg. 33,357
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
(914) 333-9643